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Steven D. Grierson
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CASE NO: A-24-904360-C
Department 8

COMP
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DISTRICT COURT

CLARK COUNTY, NEVADA

EDDIE FRIERSON, an individual; ALBERTO
CARDOSO-RAMIREZ, an individual; and
ANA FIGUEROA-CUEVA, an individual,

Plaintiffs,

vs.

FRONTIER AIRLINES, Inc., a Colorado
Corporation; Doe Individuals 1-XX, inclusive;
and ROE Entities 1-XX,

Defendants.

CASE NO.:
DEPT NO.:

COMPLAINT

**ARBITRATION EXEMPTION
CLAIMED DECLARATORY
RELIEF REQUESTED
NRS 30 ET SEQ**

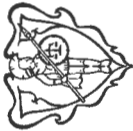
Plaintiffs Eddie Frierson, Alberto Cardoso-Ramirez and Ana Figueroa-Cueva (collectively
"Plaintiffs") by and through their counsel, STEVE DIMOPOLOUS, ESQ., JARED B. KAHN, ESQ.,
and SCOTT R. COOK of DIMOPOULOS LAW FIRM, and for their Complaint against the
Defendant, and each of them alleges as follows:

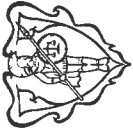
JURISDICTION

1. At all times relevant herein, Plaintiff Eddie Frierson is and was a resident of San
Diego County, State of California.

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DIMOPOULOS
INJURY LAW





2. At all times relevant herein, Plaintiff Alberto Cardos-Ramirez is and was a resident of Clark County, State of Nevada.

3. At all times relevant herein, Plaintiff Ana Figueroa-Cueva is and was a resident of Clark County, State of Nevada.

4. Upon information and belief, at all times relevant herein Defendant Frontier Airlines, Inc. (DEFENDANT) is and was a Colorado corporation domiciled at 4545 Airport Way, Denver, Colorado 80237 and registered and doing business as a foreign corporation in the State of Nevada.

5. The true names and capacities of Defendants named herein as DOES I through X X, and ROE BUSINESS ENTITIES I through XX, whether individual, corporate, associate, or otherwise, are presently unknown to Plaintiff, who, therefore, sues said defendants so designated herein is responsible in some manner for the events and occurrences referred to herein alleged, and Plaintiff will request leave of Court to amend this Complaint to insert the true names and capacities of DOES I through XX, and ROE BUSINESS ENTITIES I through XX, when the same have been ascertained and to join such defendants in this action.

6. All events complained of herein occurred within Clark County, Nevada at Harry Reid International Airport.

GENERAL ALLEGATIONS

7. Plaintiffs repeat and reallege each and every fact and allegation contained in this Complaint and incorporates the same herein by reference as though fully set forth herein.

8. On or about October 5, 2024, Plaintiffs were paid ticketed commercial passengers on airline Flight 1326, an AIRBUS 321 NEO, operated by Defendant Frontier Airlines.

9. Flight 1326 was flying from San Diego, California to Las Vegas, Nevada.

10. Without warning to the passengers the aircraft violently crash landed on the Harry Reid International Airport runway.

11. The force of the crash was so strong that it caused the aircraft's tires to explode and it's landing gear to collapse resulting in the aircraft catching fire.

12. The traumatized and injured passengers were stranded inside the sweltering smoke-filled aircraft for nearly an hour before being evacuated.

1 13. The October 5, 2024 crash landing was caused by Defendant's failure to properly
2 repair, inspect, maintain, and operate the aircraft in a reasonable and safe manner.

3 14. Defendant is a common carrier under Nevada law, and thus it owed a heightened
4 standard of care that required it to exercise extraordinary, as opposed to ordinary care to its
5 passengers, including Plaintiffs. *See, First Transit Inc., v. Chernikoff, 445 P.3d 1253 (Nev. 2019).*

6 **FIRST CLAIM FOR RELIEF**

7 **(NEGLIGENCE)**

8 15. Plaintiffs repeat and reallege the allegations contained in Paragraphs 1 through 14, as
9 though fully set forth herein.

10 16. Defendant, a common carrier, owed a heightened duty to inspect, repair, maintain,
11 and operate the aircraft in a reasonable and safe manner. *See, First Transit Inc., v. Chernikoff, 445*
12 *P.3d 1253 (Nev. 2019); Sherman v. S. Pac. Co., 33 Nev. 385, 405 (Nev. 1910); NV J.I. 4NG.42*
13 *(2011).*

14 17. Defendant breached this duty by failing to properly inspect, maintain, repair, and
15 operate the aircraft in a reasonable manner.

16 18. As a direct and proximate result of Defendant's negligence, Plaintiffs sustained
17 injuries to their bodies, as well as emotional trauma and distress.

18 19. As a direct and proximate result of Defendant's negligence, Plaintiffs have incurred
19 and continue to incur emotional distress, pain and suffering, loss of enjoyment of life, loss of
20 household services, lost wages, lost earning capacity, medical expenses, and future medical
21 expenses, all to Plaintiffs' general and special damages in an amount in excess of fifteen thousand
22 dollars (\$15,000.00).

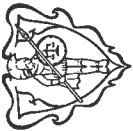
23 20. Plaintiffs have been required to retain the services of an attorney and have incurred
24 costs of suit herein.

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SECOND CLAIM FOR RELIEF

**DECLARATORY RELIEF UNDER NRS 30, et seq., SEEKING DECLARATION OF
APPLICATION OF THE DOCTRINE OF RES IPSA LOQUITUR**

21. Plaintiffs incorporates by reference each and every allegation contained in paragraphs 1 through 20 as though more fully set forth herein and further alleges as follows.

22. This is an action for declaratory relief pursuant to Section 30, et seq., of the Nevada Revised Statutes.

23. Plaintiffs seek declaratory relief in the form of a declaration that the doctrine of res ipsa loquitur applies to the subject incident.

24. Defendant had heightened duty to inspect, repair and maintain the aircraft in an airworthy and reasonably safe condition.

25. The plane and the operation of the same were solely within the Defendant's control, which was a common carrier with the highest duty to its passengers.

26. The plane crash is of a kind that ordinarily does not occur in the absence of someone's negligence.

27. The plane crash was caused within the exclusive control of the Defendant.

28. The plane crash was not due to any voluntary action or contribution on the part of the Plaintiffs.

29. Defendant has superior knowledge of or are in a better position to explain the accident for res ipsa loquitur to apply.

30. As a direct and proximate result of Defendant's negligence, Plaintiffs sustained injuries to their bodies, as well as emotional trauma and distress.

31. A justifiable controversy exists between Plaintiffs and Defendant with respect to the application of the doctrine of res ipsa loquitur to the subject accident.

32. These justifiable controversies concern Plaintiffs and Defendant's respective rights regarding duty and breach for purposes of applying res ipsa loquitur to the cause of action for negligence and therefore are ripe for judicial determination.

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